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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/344,863	06/28/99	SCHLUETER	D/99006

JOHN E BECK
XEROX CORPORATION
XEROX SQUARE 20A
ROCHESTER NY 14644

IM22/0717

EXAMINER

HON, S

ART UNIT

1772

PAPER NUMBER

15

DATE MAILED: 07/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application N .

09/344,863

Applicant(s)

SCHLUETER ET AL.

Examiner

Sow-Fun Hon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-15,17-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-14,17-19 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Repeated Rejections

1. The 35 U.S.C. 103(a) rejections of claims 1, 4-14, 17-19, 21-25 over Tarumi et al. in view of Jonas et al. and Newkirk for reasons previously of record in Paper # 12, paragraphs 6-7 (mailed 04/23/01).

Response to Arguments

2. Applicant's arguments in Paper # 13 (filed 04/23/01) have been fully considered but they are not persuasive.
 - a. Applicant argues that Tarumi et al. does not teach a belt component. Applicant is reminded that Tarumi et al. teaches that the toner carrier of Tarumi et al. can be formed into a belt shape ('868, column 7, lines 34-36).
 - b. Applicant argues that Tarumi et al. does not teach the substrate materials, including fluoropolymers. Applicant is reminded that Tarumi et al. teaches that the elastic layer 120 can be made from a variety of rubber such as silicon rubber ('868, column 4, lines 10-35) and that fluororesin can be used in place of silicon resin ('868, column 3, lines 65-68).
 - c. Applicant argues that Tarumi et al. does not teach or suggest the use of a thiophene-based material as a coating. Tarumi et al. teaches that the conductive layer 140 of the toner carrier belt can be used to control an image with the application of a bias voltage between the conductive layer and the electrode of the photosensitive member, and that a conductivity over 10^{-10} mho/cm is desirable ('868, column 3, lines 44-48).

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Tarumi et al. fails to teach the claimed polythiophene material as the conductive layer.

Jonas et al. is being used as the secondary reference to compensate for the deficiencies of Tarumi et al.

d. Jonas et al. teaches that the electrically conductive polythiophene coatings are used in electrophotography ('515, column 3, lines 5-15) which is acknowledged by Xerox Corporation to be commonly called xerography, providing the motivation to use the coatings of Jones et al. as the conductive layer of Tarumi et al.

e. Tarumi et al., as the primary reference, teaches a belt ('868, column 7, lines 30-35) wherein the elastic layer 120 can be made from a variety of rubber such as silicon rubber ('868, column 4, lines 10-35) and that fluororesin can be used in place of silicon resin ('868, column 3, lines 65-68).

f. Newkirk et al., as the secondary reference, compensates for the lack of description of the fluororesin taught by Tarumi et al., and cites prior art which teach the use of vinylidene fluoride-hexafluoropropylene-tetrafluorethylene polymers (column 2, lines 26-34) which can be cured with a crosslinking agent (monomer) (column 4, lines 19-24) to obtain the desired physical properties as known by one of ordinary skill in the art. Newkirk et al. teaches that the elastomeric fluoropolymer resists degradation at high temperatures as well as absorption of fuser oil ('505, column 4, lines 13-25) in a belt in the field of electrophotography ('505, column 1, lines 10-35), providing the motivation to use it in the electrophotographic belt of Tarumi et al., the primary reference. Newkirk et al. also teaches the interchangeability of silicone elastomers and fluoroelastomers ('505, column 1, lines 45-52).

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Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

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07/11/07


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

7/12/01